

the|system|news

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Proposed Furlough Rule Withdrawn

At its regular May meeting, the Merit Board took action to formally withdraw the proposed furlough rule from consideration by the Joint Committee on Administrative Rules (JCAR). JCAR is the primary legislative authority charged with reviewing any proposed administrative rule change to confirm its consistency with statutory authority and jurisdiction. Over the past several months, there has been some controversy regarding the inclusion of language that specifically details the impact of the proposed furlough provisions on civil service employees who are represented under various collective bargaining agreements.

In the initial presentation of this proposed rule to JCAR, several objections were filed from various collective bargaining units representing civil service employees, requesting the addition of specific language in the proposed furlough rule intending to clarify requirements in the collective bargaining process for those employees. Despite significant efforts by the System office staff to address and reconcile this issue, the controversy remained. Faced with some timeframe limitations related to the rulemaking process, the Merit Board determined that the best course of action was simply to

withdraw the proposal. Consequently, furloughs are not an option for university civil service employees at this time. However, this action does allow the Merit Board to revisit this topic in the future and resubmit a proposal on furloughs at a later date.

For university employers faced with alarming budget issues, the alternative of establishing furlough policies for civil service employees now becomes somewhat impossible at this point in time. Unfortunately, short-term or permanent layoffs now become the primary personnel action available to employers with respect to their civil service staff. For civil service employees, a layoff action most certainly has a much more negative benefit impact, which would have been avoided with furlough options.

These tough economic times have certainly led to a more focused awareness of the employment environment and the need to maintain positive employee and institutional relationships. The uncertainty and distrust in that environment was a definite contributing factor in our inability to reconcile the issues related to this furlough rule proposal. Our office remains committed to promote unity and trust in these relationships and provide personnel



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measures consistent with current human resource management practices, beneficial to all constituency groups within our system. With respect to that commitment, maybe this topic of furloughs can be revisited in the near future.

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CLASSIFICATION UPDATE

Seniority Overview

The University System Office has received a number of inquiries regarding the accumulation of seniority. The following is an overview of seniority and how it is accumulated. Please note, this is a complex issue. This brief overview should not be used as a single answer to all questions regarding this topic. Specific information and questions should be directed to a departmental representative and/or university/agency human resources office.

same promotional line. However, seniority earned in a lower class in a promotional line cannot be counted towards seniority in a higher class in the same promotional line.

Seniority is not accumulated during disciplinary suspension, during layoff (exceeding 30 consecutive work days), or during a leave of Absence without pay (exceeding 30 days in a calendar year).

Example

Employee A: (work history)

- 2-years as an Accountant III
- 1-year as an Accountant II
- 3-years as an Accountant I

Accumulated Seniority (Employee A)

- 2-years of seniority as an Accountant III
- 3-years of seniority as an Accountant II
- 6-years of seniority as an Accountant I

Seniority, the amount of time worked in a class or classification series, begins accumulating after completion of the Probationary Period, and dates back from the day of original employment in a status position. Seniority accumulates by institution/agency only and is earned in a classification or classification series. Seniority is retained during any period of continuous employment. Seniority earned in a higher class in a promotional line may be added to seniority in a lower class in the

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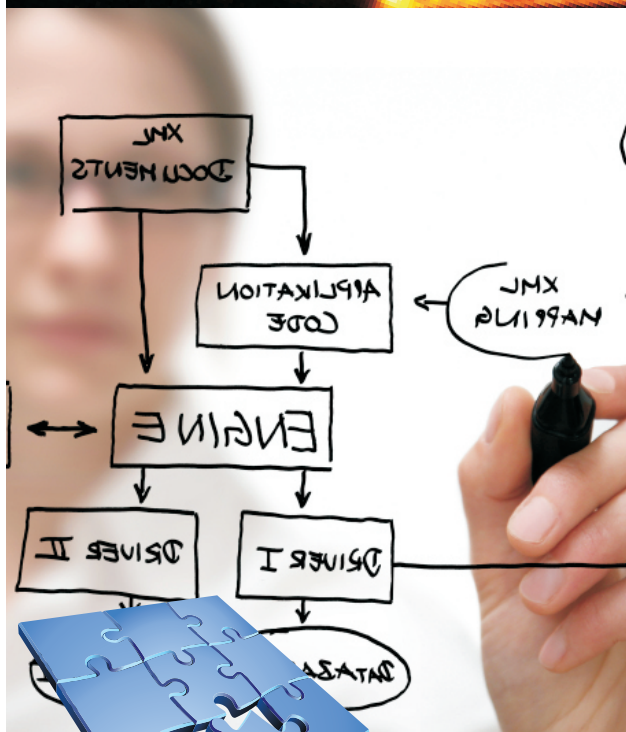
Upcoming Audit Schedule

Location

Governor's State University
Illinois Student Assistance Commission
Illinois State University
Southern Illinois University School of Medicine
State Universities Retirement System
University of Illinois College of Medicine Rockford

Dates

July 26 - 28
August 11 - 13
September 20 - 24
October 27 - 29
November 9 - 10
November 18 - 19



Compliance Update

As many employees are aware, the on-site testing portion of an institution/agency compliance audit requires many different components. These components must all fit together in a tightly scheduled manner to ensure that the audit is conducted successfully. Position interviews with both civil service and administrative professional employees are required as part of this process.

The Audit and Advisory Services staff would like to take the opportunity to thank those employees who have taken time out of their busy schedules to engage in the interview process to help fulfill the auditor's objectives. We understand the time commitment involved in this process and sincerely appreciate your efforts in attending the interview appointments in a timely manner. Being on time is an important element in keeping the audit schedule on track! While some position interviews can be shorter or longer than others, please bear in mind that each employee's needs and communication styles are different. We continue to emphasize that patience is the key. So, in recognition of those employees who have contributed to this vital role in the compliance audit process, thank you!

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LEGAL UPDATE

Changes in Freedom of Information Act

All public bodies are subject to provisions contained in the Freedom of Information Act (FOIA). Following are important key changes in this Act, as found at 5 ILCS 140/1 et seq., Public Act 96-542, and are effective January 1, 2010:

- Adds presumption that all records in possession of a public body are records open to the public

- Clarifies that electronic data or communications are public records if related to the transaction of public business

- Clarifies that public records include arrest and criminal history records maintained by State of local criminal justice agencies; certified payroll records, all records related to the obligation, receipt and use of public funds, settlement agreements entered into by or on behalf of a public body; records in control of contractors hired by a public body

- Requires public bodies to appoint at least one FOIA Officer who must complete training developed by the Attorney General's Office

- Requires public bodies to respond to FOIA requests in 5 business days

- Allows FOIA requests to be submitted electronically

- Prohibits a fee charge for the first 50 pages requested

- Total of 24 exemption in section 7(1), including law enforcement investigations; collective bargaining records; closed meeting minutes; work product and attorney-client privileged records;

insurance and self insurance claims; loss or risk management information; security measures; test questions and exam data, select information related to educational matters

- Removes exemptions including general exemption for personnel files and personal information maintained with respect to employees, appointees or elected officials of a public body and exemption for information related solely to the internal personnel rules and practices of the public body

- Establishes a Public Access Counselor (PAC) review process at the Attorney General's Office

- PAC must be notified by public body if it intends to deny a FOIA request under the exemption of unwarranted invasion of privacy or under the exemption for preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated

- Provides a tolling provision for PAC review process

- Expands civil penalties to \$2500 - \$5000 per occurrence if found to be a willful and intentional failure to comply

- Provides for mandatory award of attorney's fees to requester who prevails in challenging a denial

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